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Timothy Frazier
U. S. Department of Energy
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Dear Mr. Frazier:

Thanks for your participation with the Blue Ribbon Commission. I'd like to pass along a few observations about the public comment period. I listened to the BRC hearing on Thursday morning in Carlsbad but missed that public comment period. I listened again on Friday through the end of the public comment period.

We all agree that the public comment period is an important and integral part of the hearings. It is unfortunate when it does not proceed smoothly.

I heard online during the morning Thursday, that when all speakers had registered, one hour would be divided accordingly. That would mean that each individual's carefully prepared statement might be arbitrarily chopped only because of the number of others who wish to speak.

It would contribute to smoothness if the allotment of time for speakers were known from the outset. As we saw on Thursday, the great majority of remarks are prepared in advance and often written out, so it is difficult to adjust the presentation.

Think of it this way, with a 2-minute limit as there was on Thursday, if in the first 30 seconds the speaker identifies himself or herself, and in the next 30 seconds shapes a background for remarks, that leaves only one minute for serious comment. With a delayed decision on length, it may easily happen that the closer the speaker comes to the substance of their remarks, the more likely the very point they want to make will be interrupted by the yellow flag and then the buzzer. There could hardly be a more frustrating scenario.

It is not obduracy or an attempt to raise difficulties. It is simply that the minimum time in which an intelligent person can present a thoughtful view—not just a slogan—is three or four minutes, though some people may manage in less. Setting an unrealistically brief time-limit, dependent on the number of speakers and not announced in advance is not an auspicious start.

Imposing a 2-minute limit almost necessarily creates an us-vs-them situation. It is so unrealistic that the language of hierarchy comes repeatedly to the fore: "We need to behave." The audience was warned, "if there are outbursts, we will shut down the hearings for the day." And there were no more outbursts.

But there was a recalcitrant speaker, and this leads me to the second, and possibly the more significant, point.

Closing the public comment period to the remaining speakers was an exercise of the principle of “collective guilt.” The disturbance by one brought on the punishment of all—and some of those people had driven several hours, from Las Vegas, NM, from Carlsbad, and other cities, with their prepared remarks in hand, to participate. Why should they have been arbitrarily deprived of their right to comment?

This goes beyond “keeping order.” A collective punishment is like name-calling—you are “the opposition,” you are “the public,” you are “the stick in the wheel of progress.” Of course, using this tool completely cancels out the diversity and background of the speakers, and I am sure you did not wish to convey that message. In fact, you had present among the speakers long-standing New Mexican family people, civic leaders, and other New Mexicans who have worked with the nuclear industry and its problems for 10, 20, 30 years; people who have sacrificed heavily to help insure the safety of nuclear waste disposal. You had well-respected people, with advanced degrees and publications and in-depth experience with the problems the Commission is trying to address. Some have traveled internationally; they have been called on as consultants, educators, and civic leaders to exercise their skills and generosity toward finding solutions to the problems the Commission is just learning about. In all these cases, allowing them just two minutes to speak falls just short of disrespecting their life’s work and their opinions. Shutting them out reveals another order of power, different in kind, and worse.

With a reasonable time limit, fixed in advance so that the remarks could be completed within the time frame, the public would have been more attuned to the needs of the Commission. With an alternative solution to handling the disruptive person, the Commission might have gotten real insights into the ways New Mexicans have, over the years, learned to study the nuclear problem. The remaining participants might have had a true dialogue with the Commission instead of being wrongly recast as the weak and unruly versus the strong men.

I know there are limitations to what is possible. There are always unruly individuals to deal with. But the public comment period is not an afterthought and further consideration must be given to its protocols and expectations. My comments are intended to be helpful along that line. I very much hope you will try to implement procedures that can protect the integrity of the public comment period.

Sincerely,

Basia Miller, Ph.D.
Secretary of the Board
Concerned Citizens for Nuclear Safety

cc: Senator Jeff Bingaman